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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,852	03/23/2001	Nga Marie Nguyen	SNY-P3983.01	5817

24337 7590 05/03/2005

MILLER PATENT SERVICES  
2500 DOCKERY LANE  
RALEIGH, NC 27606

EXAMINER
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SHELEHEDA, JAMES R

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/815,852	NGUYEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James Sheleheda	2614	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08/27/01</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 19, 21, 22, 24, 25 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang (6,675,385).

As to claim 19, Wang discloses a method of invoking an electronic program guide (column 3, lines 47-55), comprising:

producing a video signal corresponding to a television program (column 7, lines 34-37 and lines 50-54);

receiving an input command to display a program guide (column 8, lines 5-8);

invoking a web browser application (column 8, lines 8-10) directed to a URL (wherein each EPG web page has a URL identifier; column 3, lines 62-67 and column 7, lines 62-65) calling a web-based program guide (column 8, lines 5-10); and

producing a video signal to display the web-based program guide (column 8, lines 5-10).

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As to claim 21, Wang discloses establishing a default URL for the web-based program guide (predetermined URL for the current channel's guide; column 7, lines 62-67 and column 8, lines 1-10) and storing the default URL in a memory (storing control data identifying URL information; column 7, lines 62-65).

As to claim 22, Wang discloses a method of changing from a television mode to a browser mode (column 3, lines 47-55), comprising:

producing a video signal corresponding to a television program (column 3, lines 47-55);

receiving an input command (column 8, lines 5-8);

invoking a web browser application (column 8, lines 8-10) directed to a default URL (wherein each EPG web page has a URL identifier and the system retrieves a default EPG page for the current channel's guide; column 3, lines 62-67 and column 7, line 62-column 8, line 10); and

producing a video signal to display a web page corresponding to the URL (column 8, lines 5-10).

As to claim 24, Wang discloses establishing a default URL for the web-based program guide (predetermined URL for the current channel's guide; column 7, lines 62-67 and column 8, lines 1-10) and storing the default URL in a memory (storing control data identifying URL information; column 7, lines 62-65), and wherein the input command comprises a command to retrieve a program guide (column 8, lines 5-8).

As to claim 25, Wang discloses a television Set-Top Box (Fig. 1, 24), comprising:

- a programmed processor (column 3, lines 47-55);
- a web browser application that runs on the programmed processor (column 3, lines 47-55);
- producing a video signal corresponding to a television program (column 3, lines 47-55);
- an input receiving a user input signal (column 8, lines 5-8), wherein the user input signal comprises a command to display a program guide (column 8, lines 5-10), the command being passed from the input to the programmed processor (wherein the processor is controlling the browser; column 8, lines 5-10 and column 3, lines 47-55);
- and
- wherein, the programmed processor invokes the web browser application (column 8, lines 8-10 and column 3, lines 47-55) directed to a URL calling a web based program guide (wherein each EPG web page has a URL identifier and the system retrieves the EPG page for the current channel's guide; column 3, lines 62-67 and column 7, line 62-column 8, line 10) as a result of the input receiving the command to display a program guide (column 8, lines 5-10).

As to claim 30, Wang discloses wherein the input receives the user input signal from a television remote control (column 8, lines 5-8).

3. Claims 8, 9 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Legall et al. (Legall) (6,005,565).

As to claim 8, Legall discloses a television set top box, comprising:

a programmed processor (column 2, lines 11-12);

a web browser running on the programmed processor (column 2, lines 47-59),  
the web browser accessing a web page as a current web page (column 2, lines 38-49);

an input receiving a user input signal (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65), wherein the user input signal may be directed to either a television control action (input number indicating a channel to tune to; column 4, lines 60-65) or to the current web page (input for text entry search fields; column 3, lines 60-67);

a television manager that receives user input signals and implements television control actions in response thereto (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65); and

an event manager (computer software controlling the system which handles the inputs; column 2, lines 9-28) that directs the input signal to the television manager in the event the input signal is not directed to the current web page (wherein it is inherently determined that an entered number is for a channel and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65).

As to claim 9, Legall discloses wherein the current web page comprises a web based program guide page (Fig. 2; column 2, lines 38-59).

As to claim 13, Legall discloses wherein the input receives the user input signal from a television remote control (column 2, lines 26-28).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 10-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Legall in view of Morrison et al. (Morrison) (6,591,292).

As to claims 1 and 14, while Legall discloses a method of, and corresponding electronic storage medium for, tuning a television channel while displaying a web-based program guide (Fig. 2; column 2, lines 38-59), comprising:

generating a video signal to display the web-based program guide using a web browser application (column 2, lines 38-59), the display indicating a cursor location (column 4, lines 41-44);

receiving an input signal (from a remote control; column 2, lines 26-28, column 3, lines 4-10, lines 60-67 and column 4, lines 61-65);

determining that the input signal is unmatched to a particular function (wherein it is determined that an entered number is for a channel and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65); and

redirecting the input signal to a television manager (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65), he fails to specifically disclose determining the function based upon the current cursor location.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (column 13, lines 48-57) for the typical benefit of providing an accurate, user-friendly means for identifying the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include determining the function based upon the current cursor location, as taught by Morrison, for the typical benefit of providing an accurate, user-friendly means for identifying whether a user currently desires to input a channel input command or a text entry.

As to claims 2 and 15, Legall and Morrison further disclose at the television manager,

determining that the input signal corresponds to a television command (wherein it is determined that an entered number is for a channel and not for the text entry search fields; see Legall at column 3, lines 60-67 and column 4, lines 60-65); and



implementing the television command (tuning to the desired channel; see Legall at column 4, lines 60-65).

As to claim 3, while Legall and Morrison disclose the method carried out in a television receiver (Fig. 1; column 2, lines 9-20), they fail to specifically disclose a television set top box.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to incorporate a television receiver into a set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall and Morrison's system to include a television set top box for the typical benefits of providing the television receiver system in a common and well known set-top box which can be easily placed near and used with a television.

As to claim 4, Legall and Morrison disclose wherein the determining and redirecting are carried out in an event manager (computer software present which controls the system and handles the user inputs; column 2, lines 9-28).

As to claims 5 and 16, Legall and Morrison disclose wherein an input signal corresponding to a user actuation of a numerical character 0-9 is considered unmatched (an entered number is for a channel ID and not for the text entry search fields; column

3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67).

As to claims 6 and 17, Legall and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the web-based program guide (text input fields; see Legall at Fig. 2; column 3, lines 60-67); and

wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

As to claims 7 and 18, Legall and Morrison disclose wherein the receiving comprises receiving the input signal from a television remote control (see Legall at column 2, lines 26-28).

As to claim 10, while Legall discloses wherein the current web page has a cursor location (column 4, lines 41-44 and lines 60-65), and wherein the event manager determines that the input signal is not directed to the current web page if the input signal is not matched to a web page function (wherein it is determined that an entered number is for a channel and not for the text entry search fields; column 3, lines 60-67 and

column 4, lines 60-65), he fails to specifically disclose determining the function based upon the current cursor location.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (column 13, lines 48-57) for the typical benefit of providing an accurate, user-friendly means for identifying the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Legall's system to include determining the function based upon the current cursor location, as taught by Morrison, for the typical benefit of providing an accurate, user-friendly means for identifying whether a user currently desires to input a channel input command or a text entry.

As to claim 11, Legall and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; see Legall at column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the current web page (text input fields; see Legall at Fig. 2; column 3, lines 60-67).

As to claim 12, Legall and Morrison disclose wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang as applied to claim 25 above, and further in view of Legall.

As to claim 26, while Wang discloses a television manager that controls television functions (processor present in the STB to control the system; column 3, lines 47-55), he fails to specifically disclose an event manager that directs the input signal to the television manager in the event the input signal is not directed to the web-based program guide page.

In an analogous art, Legall discloses a television system (Fig. 1) wherein a current web page has a cursor location (column 4, lines 41-44 and lines 60-65), and wherein an event manager determines that the input signal is not directed to the current web page if the input signal is not matched to a web page function (wherein it is determined that an entered number is for a channel and not for the text entry search fields; column 3, lines 60-67 and column 4, lines 60-65) and directs the signal to a television manager in the event the input signal is not directed to the web-based program guide page (computer software controlling the system to implement channel selection; column 2, lines 9-17 and column 4, lines 60-65) for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page (column 4, lines 60-65).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include an event manager that directs the input signal to the television manager in the event the input signal is not directed to the web-based program guide page, as taught by Legall, for the typical benefit of allowing a user to continue inputting channel commands while viewing a web page.

7. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Legall as applied to claim 26 above, and further in view of Morrison.

As to claim 27, while Wang and Legall disclose wherein the current web page has a cursor location (see Legall at column 4, lines 41-44 and lines 60-65), and wherein the event manager determines that the input signal is not directed to the current web page if the input signal is not matched to a web page function (wherein it is determined that an entered number is for a channel and not for the text entry search fields; see Legall at column 3, lines 60-67 and column 4, lines 60-65), they fail to specifically disclose determining the function based upon the current cursor location.

In an analogous art, Morrison discloses a television program guide system (Fig. 1) wherein upon detection of user input (column 13, lines 48-52) the system will evaluate the current cursor position to determine the desired function (column 13, lines 48-57) for the typical benefit of providing an accurate, user-friendly means for identifying the specific function desired by a user from a plurality of available functions (column 13, lines 40-52).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang and Legall's system to include determining the function based upon the current cursor location, as taught by Morrison, for the typical benefit of providing an accurate, user-friendly means for identifying whether a user currently desires to input a channel input command or a text entry.

As to claim 28, Wang, Legall and Morrison disclose wherein the actuation of a numerical character 0-9 is considered to be a channel selection command (an entered number is for a channel ID and not for the text entry search fields; see Legall at column 3, lines 60-67 and column 4, lines 60-65) if the cursor is not situated (see Morrison at column 13, lines 48-57) at a text entry field of the current web page (text input fields; see Legall at Fig. 2; column 3, lines 60-67).

As to claim 29, Wang, Legall and Morrison disclose wherein the television manager implements a channel selection function in response thereto (tuning to the desired channel; see Legall at column 4, lines 60-65).

8. Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang.

As to claims 20 and 23, while Wang discloses receiving an input command from a remote control to display the program guide (column 8, lines 8-10), he fails to

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specifically disclose again receiving the input command to display the program guide and resuming producing the video signal corresponding to the television program.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize a remote control with a single key, such as a "menu" or "guide" button, which both open and close a program guide display for the typical benefit of providing a more user friendly remote control which would give the user an easy way to operate the program guide through a single button.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Wang's system to include again receiving the input command to display the program guide and resuming producing the video signal corresponding to the television program for the typical benefit of providing a more user friendly remote control which would give the user an easy way to operate the program guide through a single button.

### ***Conclusion***

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sheleheda whose telephone number is (571) 272-7357. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James Sheleheda  
Patent Examiner  
Art Unit 2614

JS



**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**